

1 **BEFORE THE BOARD OF COMMISSIONERS**
2 **FOR LINCOLN COUNTY, OREGON**

3 In the Matter of:)
4 *An Emergency Public Health Declaration for Cleanup*)
5 *of Hazardous Waste Related to the Echo Mountain*) **RESOLUTION NO. 20-5-10A**
6 *Complex Fire*)
7
8

9 WHEREAS, on September 8, 2020, the Lincoln County Board of Commissioners declared
10 a state of emergency within the County because of wildfires that later were denominated the Echo
11 Mountain Complex Fire (Resolution Nos. 9-20-271 and 20-15-9C). Under that declaration, ORS
12 Chapter 401¹, the Lincoln County Emergency Operations Plan² and Lincoln County Emergency
13 Services Code³ the County may prepare for and carry out any activity to prevent, minimize,
14 respond to or recover from the declared emergency; and

15 WHEREAS, ORS Chapters 433 and 431 also allow the proclamation of a public health
16 emergency by the Governor, the Oregon Health Authority and the local public health authority,⁴
17 and undertake public health measures appropriate to the threat to respond to the public health
18 emergency;⁵ and

19 WHEREAS, the Governor declared an emergency for the wildfires on August 20, 2020
20 and statewide on September 9, 2020; and

21 WHEREAS, a federal emergency declaration was granted on September 10, 2020; and

22 WHEREAS, on September 14, 2020 the Governor requested a Presidential Disaster
23 Declaration for the ongoing wildfires in Oregon. The request included operational response
24 support such as additional communications resources, damage assessment teams, search and
25 rescue (SAR) support, debris management, as well as shelter and medical assistance. Individual
26 assistance for the counties and tribes was also included in the request; and

27 WHEREAS, on September 16, 2020 the President approved the Disaster Declaration and
28 made federal emergency aid available to the state to supplement state, tribal and local recovery

¹ Including ORS 401.309

² Adopted by Order No. 8-18-206.

³ Ordinance # 502, adopted and made a part of, but is not yet codified into, the Lincoln County Code.

⁴ The Lincoln County Board of Commissioners is the governing body of the County's Local Public Health Authority,

⁵ The Governor can exercise her authority through an emergency declaration, ORS 401.165 et. seq which she did in Executive Order No. 20-35 and Order No. 20-41. This allows the exercise and implementation of all public health measures authorized in ORS Chapter 433. ORS 433.441(4).

1 efforts in the areas affected by wildfires and straight-line winds beginning on September 8, 2020
2 and continuing;

3 WHEREAS, the Presidential Disaster Declaration makes federal funding available to
4 affected individuals in Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn and Marion
5 counties and federal assistance through FEMA’s Public Assistance program available to Benton,
6 Clackamas, Columbia, Coos, Deschutes, Douglas, Jackson, Jefferson, Josephine, Klamath, Lake,
7 Lane, Lincoln, Linn, Marion, Multnomah, Tillamook, Wasco, Washington and Yamhill counties;

8 WHEREAS the Lincoln County Board of Commissioners hereby finds as follows:

- 9 1. Debris and ash from structure fires can contain hazardous substances, for example,
10 building materials such as siding, roofing tiles, insulation, or household items such as
11 paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals
12 can result in dangerous ash that contains asbestos, heavy metals, and other hazardous
13 materials.
- 14 2. Such waste is a threat to public health because it is hazardous waste and can cause or
15 significantly contribute to an increase in mortality or an increase in serious irreversible
16 or incapacitating reversible illness; or pose a substantial present or potential hazard to
17 human health or environment when improperly treated, stored transported, disposed of,
18 or otherwise managed.
- 19 3. Hazardous debris that remains after a wildfire can expose residents to toxic materials,
20 improper transport and disposal of fire debris can create dangerous health impacts to
21 workers removing the debris, such debris can threaten water supplies, and such harmful
22 material can spread throughout the community at large.
- 23 4. A person with heart or lung disease, an older adult, children (including teenagers), a
24 person with diabetes, and pregnant women are particularly vulnerable to the presence
25 of such hazardous waste.
- 26 5. The threat to public health creates the immediate need to facilitate assistance and
27 undertake preventative measures to protect the health of people and the environment
28 and to inform the affected public of any potential health issues associated with the
29 hazardous waste created by the wildfires, thereby warranting the declaration of the
30 existence of a local health emergency.
- 31 6. Regardless of cause, any commercial or domestic structure fires which have or will
32 occur in Lincoln County from the time the Echo Mountain Complex Fire began until
33 the conclusion of the local health emergency will significantly contribute to the
34 hazardous waste load.
- 35 7. Assistance to private property owners and to others within Lincoln County is needed
36 for timely implementation of necessary preventative measures to protect public health
37 and the environment.

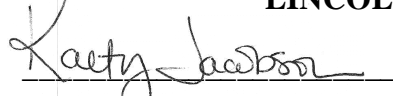
- 1 8. The scope and breadth of the Echo Mountain Complex Fire hazardous waste cleanup
- 2 requires a rapid response due to the large area affected, the location of the fire and the
- 3 number of structures damaged or destroyed and the imminent threat to public health.
- 4 9. The potential beginning of the rainy season offers little time to mitigate further
- 5 environmental contamination, including contamination of the watershed, and therefore,
- 6 time is of the essence in removing hazardous waste from property sites.
- 7 10. The protection of the County's natural resources and watershed from fire-related debris
- 8 runoff needs to be addressed.
- 9 11. Immediate action is necessary to mitigate the harm that could be caused to the public
- 10 health and safety and to the environment from improper disturbance, removal, and/or
- 11 disposal of hazardous waste, including but not limited to toxic, flammable, corrosive,
- 12 and reactive materials from property sites located within the Echo Mountain Complex
- 13 Fire area because such debris can create dangerous health impacts.
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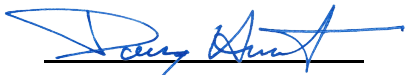
15 NOW THEREFORE IT IS HEREBY RESOLVED and ORDERED:

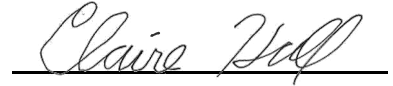
- 16 1. That the Board formally declares an additional state of emergency for Lincoln
- 17 County for the area described above, effective on this 5th day of October, 2020.
- 18 2. That this emergency exists in Lincoln County due to the hazardous waste and
- 19 materials created by the Echo Mountain Complex Fire.
- 20 3. That immediate action be taken to remove the hazardous waste from property and
- 21 sites within the Echo Mountain Complex Fire area that are toxic, flammable,
- 22 corrosive or reactive and create an imminent threat to public health and safety.
- 23 4. That this declaration shall remain in effect for no longer than 180 days unless
- 24 continued by further resolution and order of the Board of Commissioners.
- 25 5. That copies of this Resolution be provided to Virginia Demaris, Lincoln County
- 26 Emergency Manager, for distribution to the appropriate entities; to Casey Miller,
- 27 Lincoln County Public Information Officer, to distribute to the public through
- 28 appropriate means; and to Wayne Belmont, County Counsel.
- 29

30 DATED this 5th day of October, 2020.

31 **LINCOLN COUNTY BOARD OF COMMISSIONERS**

32 
33 _____
34 Kaety Jacobson, Chair


35 _____
36 Doug Hunt, Commissioner


37 _____
38 Claire Hall, Commissioner